

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 LANTZ E. ARNELL,

12 Plaintiff,

13 vs.

14 JUDGE W. McADAM, Department 8
15 Superior Court of California, County of
16 San Diego, South County Judicial
17 District,

18 Defendants.
19

CASE NO. 07cv0743-LAB (RBB)

**ORDER STRIKING THIRD
SUCCESSIVE MOTION FOR
RECUSAL, AND AMENDED
ORDER TO SHOW CAUSE RE:
SANCTIONS**

20 **I. Procedural History**

21 On June 29, 2007, Plaintiff filed a motion requesting the recusal of Judge Larry Burns
22 ("First Recusal Motion"). On July 10, 2007, the Court denied this motion, noting factual
23 deficiencies in it. On July 17, 2007, without leave, Petitioner again filed a motion seeking
24 Judge Burns' recusal (the "Second Recusal Motion," attached hereto as Appendix 1). In the
25 Second Recusal Motion, Plaintiff re-asserted his previous contentions of bias. In addition,
26 he alleged mental incapacitation on the part of Judge Burns for allegedly misreading his

27 ///

28 ///

///

1 complaint. In the caption, Plaintiff identified August 13, 2007 as the hearing date on this
2 motion.¹

3 The Court issued an order signed on July 21, 2007 and entered on July 23, 2007,
4 striking the Second Recusal Motion and ordering Plaintiff to appear at a hearing to be held
5 on August 13, 2007 at 12:00 noon and show cause why he should not be sanctioned
6 pursuant to Fed. R. Civ. P. 11 for filing the Second Recusal Motion for an improper purpose.

7 On July 20, 2007,² Plaintiff again submitted to the Court a pleading, captioned
8 "Complaint to Chief Justice that Judge Burns is Mentally Incapacitated." The heading,
9 however, identifies the court as the U.S. District Court for the Southern District of California,
10 the case number identifies this case, and the caption indicates that the hearing is to be held
11 in courtroom 9 before Judge Burns. The Court therefore construes this as a successive
12 motion for recusal.³ This motion (the "Third Recusal Motion," attached hereto as Appendix
13 2) also purports to set August 13, 2007 at 10:30 a.m. as the hearing date.

14 The Third Recusal Motion suffers from the same deficiencies and appears to commit
15 the same violations as did the Second Recusal Motion, although in the Third Recusal Motion
16 the accusations are magnified so as to include charges of confabulation (Third Recusal
17 Motion at 4:6) and repeated suggestions that Judge Burns suffers from "diminished mental
18 capacity" or "mental incapacity." (*Id.* at 3:28, 4:4–5.)

19 ///

20 ///

21
22 ¹ On calendar for August 13, 2007 at 10:30 a.m. is a hearing on Defendant's motion
to dismiss. Plaintiff apparently selected this date to coincide with that hearing.

23 ² This pleading has a signature date of July 14, 2007. The Court signed its order on
24 July 21 before this pleading was received in chambers or entered into the docket. Thus,
25 Plaintiff had no notice of the Court's July 23 order when he filed the Third Recusal Motion,
and the Court had no notice of Plaintiff's Third Recusal Motion when it issued its order that
was later docketed on July 23, 2007.

26 ³ Plaintiff cites 28 U.S.C. § 351(a) as the basis for his filing. (Third Recusal Motion
27 at 1:27–2:9.) However, this section specifically states that the complaint should be filed with
28 the clerk of the court of appeals. Plaintiff is aware of this provision, because he has directly
quoted it in his Third Recusal Motion. (*Id.* at 2:2–3 ("... file with the clerk of the court of
appeals for the circuit a written complaint")) There is no suggestion that any such
request should be filed in the district court.

1 **II. Rule 11**

2 As noted, the Court previously identified Rule 11 violations in connection with the
3 Second Recusal Motion, and ordered Plaintiff to appear at a hearing to show cause why he
4 should not be sanctioned. In light of Plaintiff's submission of the Third Recusal Motion, the
5 Court now reconsiders and amends its order of July 23, 2007.

6 **A. Summary of the Underlying Incident**

7 The complaint, which spans well over 170 pages,⁴ is disjointed, contradictory, and
8 chronologically disordered; and makes reference to events and persons whose relevance
9 is never fully explained. Furthermore, Plaintiff's representations regarding his complaint, as
10 well as regarding the record, are replete with inconsistencies and inaccuracies. The following
11 summary is based on materials submitted by Plaintiff and representations made by Plaintiff
12 to the Court, and is included for purposes of providing clarifying background information.
13 The Court's reference to these materials does not imply they will be admissible as evidence
14 nor should this background summary be construed as the Court's factual findings.

15 According to the police report made after the incident, which Plaintiff attaches as an
16 exhibit to his complaint, Dr. Arnell and his neighbors had been involved in "continuing
17 disputes concerning the property line" dividing their two residential properties in the city of
18 Coronado. (Complaint at 37 (undifferentiated exhibit identified as police report of the
19 incident).) Two residents of the neighboring property, a married couple, Valerie and Greg
20 Hebert were involved in a dispute with Plaintiff over a wall being built on or near the property
21 line. (*Id.*) Plaintiff alleges Valerie and Greg Hebert at some point in the past had poured

22 ///

23
24 ⁴ This includes two introductory pages and 18 pages in the body of the complaint.
25 The remainder consists of a jumble of mostly unlabeled exhibits. Plaintiff has attempted a
26 table of contents of the exhibits, but has mixed number and letter designations and used
27 some exhibit numbers twice (Complaint at i:12–22), and has failed to paginate the exhibits
28 as required under Civ. Loc. Rule 5.1(e). The exhibits are also given designations that do not
clearly identify them (*e.g.*, "California Appellate Court misconduct," and "Attorney
misconduct. Witness affidavit.") and are interspersed with pages announcing exhibit
numbers, which have nothing to do with the actual exhibits (*e.g.*, Complaint at 31 ("Exhibit
1")). Citations to exhibits are therefore given with reference to pages of the complaint, such
that the first page of the exhibits would be cited as Complaint at 19.

1 concrete on his driveway, blocking what he calls “the only commercial entrance to [his]
2 research office and facilities.” (*Id.* at 4:25–27.)

3 The house in which Valerie and Greg Hebert resided was, according to the police
4 report, owned by a trust. (Complaint at 37.) The trust is identified with the name of Valerie
5 Hebert’s mother, Elizabeth Rosenthal. (*Id.* at 4:15, 37.) In the portion of a deposition
6 transcript submitted by Plaintiff, the police officer who arrived on the scene identifies
7 Elizabeth Rosenthal as a beneficiary of the trust that owned the house. (*Id.* at 84–85.)
8 Plaintiff also includes a portion of the deposition transcript of Randlett Lawrence, the man
9 he says attacked him, in which Lawrence identifies the neighboring house as “her [Elizabeth
10 Rosenthal’s] house.” (*Id.* at 88 (Petition for Writ of *Coram Nobis*, quoting Deposition of
11 Lawrence).) Plaintiff, however, believed the house was owned by Valerie Hebert (*Id.* at
12 4:15–16.)

13 On September 26, 2004, the day the incident occurred, Rosenthal came to Plaintiff’s
14 house, which adjoined her property, accompanied by Lawrence. While the police report
15 merely says Rosenthal as “acquainted with” Lawrence, Lawrence himself says they were
16 married. (*Cf.* Complaint at 37; *id.* at 88 (petition for writ of *coram nobis*, citing a deposition
17 of Lawrence, in which Lawrence identifies the woman accompanying him as his wife).)⁵ The
18 police report indicates Rosenthal and Lawrence were at the scene in order to check on the
19 property. (*Id.* at 38 (police report summarizing statement of Elizabeth Rosenthal).) Plaintiff
20 alleges that this was merely a pretext and that the two were in fact there to attack him.
21 (Second Recusal Motion at 2:8–9 (stating that Rosenthal and Lawrence arrived at Plaintiff’s
22 property “allegedly to check on the grounds at the home next door”).)

23 Plaintiff disputes what happened next. He contends Rosenthal and Lawrence
24 approached him in his driveway while he was using string to mark the property line.
25 (Complaint at 5) and Lawrence “armed himself with a deadly weapon” (*id.* at 5:4) which
26 ///

27
28 ⁵ The explanation for this apparent inconsistency may be that Lawrence and Rosenthal were married after the incident but before the deposition, although the complaint does not elaborate on this.

1 was a “sword used for cutting concrete,” (*id.* at 5:26–27), after which Lawrence engaged in
2 an unprovoked attack on Plaintiff.

3 By contrast, in the statement Lawrence gave to police, Lawrence says first that
4 Rosenthal confronted Plaintiff because he was marking the property line, apparently in
5 violation of an agreement to take no action until the property had been surveyed. (Complaint
6 at 122.)⁶ Lawrence says he then pulled the stake out of the ground, at which Plaintiff
7 demanded to know what he was doing, and demanded that Plaintiff give him the stake. (*Id.*)
8 When he gave Plaintiff the stake, Lawrence says, Plaintiff then threatened him, and began
9 punching and attacking him. (*Id.*)

10 Two passers-by with apparently no connection to either property or any property
11 owner gave statements to police, stating that Plaintiff was the aggressor and that Lawrence
12 had done nothing provocative other than to pull a stake or bar out of the ground and hand
13 it to Plaintiff. (Complaint at 37–38.) The police report notes statements given by Rosenthal
14 and Lawrence which appear to agree with statements given by the other witnesses. (*Id.* at
15 38.) The police report notes that when he officer arrived on the scene, Plaintiff’s wife was
16 present but refused to answer any questions. (*Id.*) Plaintiff alone reported the version of
17 events he now propounds. (*Id.*) The police report also notes that the iron stake weighed 7.2
18 pounds and appeared to be too heavy to be handled by Lawrence in the manner described
19 by Plaintiff, whom the officer described as an elderly man who walked with the aid of a cane.
20 (*Id.* at 37.)

21 **B. Altercation with Lawrence and Rosenthal**

22 Plaintiff believes it was obviously wrong to provide the summary that “Plaintiff was
23 involved in an altercation with a neighbor” (Second Recusal Motion at 3:15–16; Third
24 Recusal Motion at 3:20–21.) He apparently believes his complaint made clear that the
25 altercation was with Lawrence only, and that Lawrence is not and has never been a
26 neighbor.

27
28 ⁶ Although the police report says this typewritten statement is attached, it is omitted
from earlier exhibits that include the police report.

1 In the Second Recusal Motion, Plaintiff portrays Lawrence as a man of uncertain
 2 identity having no clear connection to the property occupied by Valerie and Greg Hebert
 3 other than an unexplained murderous grudge against Plaintiff. (Second Recusal Motion at
 4 2:5–10 (“ . . . a man carrying the identification of Lawrence drove from his residence in Point
 5 Loma, California with premeditation and malice aforethought, picked up an accomplice and
 6 drove down [Plaintiff’s street], allegedly to check on the grounds at the home next door .
 7 . . .”); cf. Complaint at 91 (Petition for Writ of *Coram Nobis*) (“Lawrence and his accomplice
 8 could have called the police when they saw [Plaintiff] with the string. Lawrence didn’t have
 9 to attack him with the deadly weapon. They didn’t want him arrested. They wanted him
 10 dead. They still do.”))

11 Although Plaintiff now says Lawrence lived in Point Loma (Second Recusal Motion
 12 at 2:7; Third Recusal Motion at 2:16), the body of the complaint never says this. Rather, it
 13 merely says Lawrence “came to Coronado,” (Complaint at 5:17) but does not say when he
 14 came, or where he resided. After searching through the exhibits,⁷ the Court has located
 15 references to Lawrence residing either in Point Loma (Complaint at 88 (Petition for Writ of
 16 *Coram Nobis*) or Loma Portal (*id.* at 122 (statement of Lawrence to police)).

17 Plaintiff apparently does not dispute, however, that Rosenthal did live in Coronado
 18 and was his neighbor. (Complaint at 5:17–19 (alleging that Lawrence picked up Rosenthal
 19 in Coronado before seeking out Plaintiff).) Lawrence says Rosenthal lived roughly three
 20 blocks away in Coronado. (*Id.* at 122.) The police report indicates that Rosenthal regarded
 21 Plaintiff as her “next-door neighbor,” (*id.* at 38), apparently referring to her ownership of the
 22 house adjacent to Plaintiff’s.

23 ///

24
 25 ⁷ Sifting through the record to find information not cited to in the body of a pleading
 26 is not the Court’s role. See, e.g., *United States v. Voigt*, 877 F.2d 1465, 1470 (10th Cir.),
 27 cert. denied, 493 U.S. 982, 110 S.Ct. 517, 107 L.Ed.2d 518 (1989). Cf. *Independent Towers*
 28 *of Washington v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (noting that courts “review
 only issues which are argued specifically and distinctly in a party’s opening brief”) (quoting
Greenwood v. Fed. Aviation Admin., 28 F.3d 971, 977 (9th Cir. 1994)).

1 Lawrence's account identifies Rosenthal as having confronted Plaintiff about his
2 marking the property line. (Complaint at 122.) Plaintiff agrees Rosenthal was involved in
3 the dispute, repeatedly referring to her as Lawrence's accomplice and suggesting she was
4 there to help attack him. (See, e.g., Second Recusal Motion at 2:5–10.)

5 It appears obvious, even judging by Plaintiff's own statements, that Plaintiff was
6 involved in ongoing disputes with his neighbors, and that the assault arose out of those
7 disputes. It is likewise clear that Plaintiff was involved that day in a disagreement with
8 Lawrence and Rosenthal that immediately culminated in violence. It is accurate to say that
9 Rosenthal was and is Plaintiff's neighbor, but it was not clear from the body of the complaint
10 whether Lawrence also was or is now his neighbor. On the basis of information the Court's
11 more extensive review of the exhibits has uncovered, it appears accurate to say Lawrence,
12 a neighboring property owner's husband, was or is also Plaintiff's neighbor. Furthermore,
13 the Court notes that Defendant refers to the incident as a "neighborhood altercation."
14 (Memo of P. & A. in Supp. of Mot. to Dismiss at 2:6.) Therefore, it is the Court's opinion that
15 the brief summary represented a fair reading of the complaint.

16 Even if this summary were not accurate, however, the fault lies with Plaintiff, who did
17 not clearly present the facts in the body of his complaint or in his moving papers. As
18 discussed previously, it is not the Court's role to scour lengthy exhibits to locate information
19 not found in the complaint. This is particularly true when the information at issue is
20 tangential, as was the case here.

21 **C. Proceedings Before Judge McAdam**

22 Judge McAdam is the sole named Defendant in this case. Judge McAdam is a
23 Superior Court judge. A *coram nobis* petition is roughly equivalent to a motion to vacate and
24 is thus decided by the trial court. *People v. Gallardo*, 77 Cal.App.4th 971, 982 (Cal. App. 1
25 Dist. 2000). The fact that Judge McAdam was involved in denying Plaintiff's *coram nobis*
26 petition gives no indication regarding whether he also presided at trial. See, e.g., *People v.*
27 *Chaklader*, 24 Cal.App.4th 407, 410 (Cal. App. 2 Dist. 1994) (noting that the same judge who
28 had presided at trial also denied appellant's petition for writ of error *coram nobis*); see also

1 *id.* at 413 (affirming denial of the writ). A *coram nobis* petition cannot be used to correct
 2 legal error, except where the error is jurisdictional. *People v. Ibanez*, 76 Cal.App.4th 537,
 3 543 (Cal. App. 4 Dist. 1999).

4 Plaintiff finds fault with the Court's summary of the procedural history which stated
 5 that Plaintiff "was tried on criminal charges before Judge McAdam." (Second Recusal
 6 Motion at 3:16–17; Third Recusal Motion at 3:21–22.) He contends, "There was no trial and
 7 Judge McAdam did not find us⁸ guilty." (Second Recusal Motion at 3:19–20; Third Recusal
 8 Motion at 3:24–25.)

9 The complaint and other pleadings, however, can fairly be read to suggest that Judge
 10 McAdam was involved during the trial phase. Plaintiff represents Judge McAdam's
 11 involvement at the trial phase and his denial of the writ of *coram nobis* as separate actions
 12 on Judge McAdam's part, and cites both as the basis for this action:

13 [T]he District Attorney's office dropped the charges against [Lawrence] and
 14 pressed charges against [Plaintiff] who was at his residence minding his
 15 own business. . . . Judge McAdam became aware of these facts and could
 16 have dropped the charges against [Plaintiff] but did not. He could have
 granted a writ of *coram nobis* to review the evidence but did not[,] and this
 is in direct defiance of his responsibility as an official of the Court.

17 (Opp'n to Defendant's Mot. to Dismiss at 2:4–10.) Plaintiff also repeatedly mentions as the
 18 basis for his complaint Judge McAdam's refusal to "drop" charges after learning that charges
 19 against Lawrence had been dropped and before additional charges were filed against
 20 Plaintiff. (See, e.g., First Recusal Motion at 2:8–9; see also generally *id.* at 1:20–2:14
 21 (setting forth events apparently in chronological order).)

22 The complaint suggests that Plaintiff at first pled not guilty and some trial proceedings
 23 were held. (See Complaint at 1:23–24 ("Again and again the [Plaintiff] pled not guilty"),
 24 5:9–13 (summarizing the testimony of witnesses, comparing their testimony to their
 25 depositions, and accusing witnesses of perjury).) How far the trial phase proceeded,
 26 however, is left unexplained. The complaint also says that at some point Plaintiff pled guilty.
 27 (*Id.* at 2:3–5 (contending that, after more than one court appearance, Plaintiff was "forced

28 ⁸ Plaintiff for unexplained reasons repeatedly refers to himself in the plural.

1 to plead guilty”).) Plaintiff also repeatedly makes references that appear to refer to evidence
 2 presented at trial and other events normally associated with a trial (See, e.g., *id.* at 2:12–14
 3 (“[Plaintiff] petitioned the superior court for a writ of Coram nobis presenting the new
 4 evidence which proved his innocence.”); 3:1–2 (“Judge McAdam acknowledged that there
 5 was prosecutorial misconduct.”); 5:13 (“multiple counts of perjury”).)

6 In view of the contradictory nature of the complaint and Plaintiff’s Second and Third
 7 Recusal Motions, the Court has looked to pleadings and exhibits filed by Defendant in his
 8 motion to dismiss, and has concluded that Plaintiff’s representations regarding the nature,
 9 type, and extent of proceedings in the state court were misleadingly incomplete. For
 10 example, civil proceedings were in fact held in which Lawrence successfully sought
 11 sanctions against Amell. (See Memo of P. & A. in Supp. of Mot. to Dismiss at 2, n.4; see
 12 also *id.*, Ex. D (copy of order in *Randlett T. Lawrence v. Lantz E. Arnell*, California Court
 13 Case No. GIS20077).)

14 It appears Plaintiff’s criminal case was not tried to a verdict, but that at some point he
 15 pled guilty. Nevertheless, the Court’s reference to Plaintiff’s having been “convicted,” and
 16 reference to Plaintiff “unsuccessfully attacking his conviction” are accurate, because the term
 17 “convict” means to find a defendant guilty, whether upon a trial or upon a plea. See, e.g.,
 18 *Fletcher v. City of New York*, 54 F. Supp. 2d 328, 333 (S.D.N.Y. 1999) (“The definition of
 19 ‘conviction’ includes a plea of guilty.”) (citing *Black’s Law Dictionary* 333 (6th ed. 1990)).

20 As before, the Court concludes that, even if Plaintiff was not tried before Judge
 21 McAdam, its brief summary represented a fair reading of the complaint. If the Court’s
 22 reading is inaccurate, the inaccuracy is fairly attributable to inaccuracies in the complaint and
 23 in Plaintiff’s other pleadings.

24 **D. Statements Regarding Mental Incapacity**

25 The analysis in sections II.B and II.C above demonstrates in part the basis for the
 26 Court’s conclusion that its one-sentence summary represented a fair reading of the
 27 complaint and that, if Plaintiff had considered the actual contents of his complaint and other
 28 pleadings, he would have realized they did not clearly state the facts he now sets forth.

1 However, even assuming the Court's reading of the complaint and other pleadings
 2 represented such an obvious error as Plaintiff contends it does, his statements regarding
 3 Judge Burns' purported mental incapacity appear to violate Fed. R. Civ. P. 11(b) (See
 4 Second Recusal Motion at 3:21–4:15; Third Recusal Motion at 3:27–6:9, 7:22–23.)

5 Courts sometimes misread pleadings or records, and provisions are made in law for
 6 the correction of such errors through the Court's own reconsideration, or a writ or appeal.
 7 Such misreadings, while regrettable, are not considered cause for alarm or reason to
 8 question the court's competence. See, e.g., *Bohemia, Inc. v. Home Ins. Co.*, 725 F.2d 506,
 9 511 (9th Cir. 1984) (frankly noting district court's clearly erroneous reading of the record but
 10 affirming the district court's finding as supported by other evidence). Indeed, common sense
 11 suggests that simple, isolated errors or misstatements are everyday occurrences and not
 12 evidence of brain damage or mental illness.

13 It is apparent to the Court that Plaintiff is not making assertions of mental incapacity
 14 in good faith. Plaintiff claims he is a medical doctor, and couches his challenge in medical
 15 terms, feigning concern for the Court's health and well-being. (Second Recusal Motion at
 16 3:18–4:15 (“[L]egally, if not for his own good[,] he should be disqualified. We⁹ hope Judge
 17 Burns recovers without residual effects.”); Third Recusal Motion at 4:7 (“We¹⁰ hope Judge
 18 Burns recovers without residual effects.”)) He suggests that his medical expertise is the
 19 basis for his conclusions. (*Id.* at 4:13–14 (suggesting that non-physicians might not realize
 20 Judge Burns is impaired).)

21 However, even assuming Plaintiff is a qualified medical doctor, he has no basis for
 22 diagnosing neurological or cerebrovascular disease, or recommending medical screening
 23 procedures based solely on a sentence in a writing sample. (See Second Recusal Motion
 24 at 3:21–28; Third Recusal Motion at 3:27–4:5; 5:3–8.) Furthermore, even accepting
 25
 26

27 ⁹ See supra note 8.

28 ¹⁰ See supra note 8.

1 Plaintiff's accusations at face value, his charges of confabulation¹¹ (Third Recusal Motion at
 2 4:6) and "[l]oss of the ability to understand the written word" (Second Recusal Motion at
 3 3:21–22; Third Recusal Motion at 3:27) have no basis whatsoever. Nor, if he is speaking
 4 from a medical point of view, does he have any reason to describe his medical conclusions
 5 as legal certainties — *i.e.*, "We¹² are left with proof that Judge Burns is reading without
 6 comprehension." (Second Recusal Motion at 3:18–19 ; Third Recusal Motion at 3:23–24.)

7 Plaintiff's pretended belief that Judge Burns is mentally incapacitated appears to be
 8 mere posturing. It is apparent to the Court that Plaintiff's motion was not in fact filed
 9 because Plaintiff in good faith believed recusal was proper, but was filed for an improper
 10 purpose, in violation of Fed. R. Civ. P. 11(b)(1). It is also apparent to the Court that either
 11 1) Plaintiff either did not make reasonable inquiry to confirm the bases for his legal and
 12 factual contentions and allegations, as required under Fed. R. Civ. P. 11(b)(2) and (3), or
 13 else 2) if he did, he knew his contentions and allegations were unwarranted and filed the
 14 Second Recusal Motion and Third Recusal Motion anyway, either of which also violates Rule
 15 11(b).

16 It therefore appears Plaintiff has violated Fed. R. Civ. P. 11(b) by filing his Second
 17 Recusal Motion. Although the Third Recusal Motion addresses the "Chief Justice," the Court
 18 need not consider at this point whether Plaintiff hoped it would be ruled on by someone other
 19 than Judge Burns or what his subjective motivation was for submitting this paper for filing.¹³
 20 By signing it and presenting it to this Court, Plaintiff brought his Third Recusal Motion within
 21 Rule 11's purview. It therefore appears Plaintiff has also violated Fed. R. Civ. P. 11(b) by
 22 filing his Third Recusal Motion.

24 ¹¹ Confabulation refers to filling in of gaps in memory by unconstrained fabrication.
 25 *Merriam-Webster's Medical Desk Dictionary* 164 (2005).

26 ¹² See *supra* note 8.

27 ¹³ Sanctions are appropriate under Rule 11(b)(2) when a pleading which has been
 28 filed is objectively "frivolous, legally unreasonable, or without factual foundation, even though
 the paper was not filed in subjective bad faith." *Zaldivar v. City of Los Angeles*, 780 F.2d
 823, 831 (9th Cir. 1986), *overruled on other grounds by Cooter & Gell v. Hartmarx Corp.*,
 496 U.S. 384 (1990).

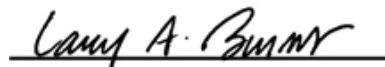
1 **III. Conclusion and Order**

2 Plaintiff is again directed to review the Civil Local Rules and Federal Rules of Civil
3 Procedure, particularly Civil Local Rule 7.1 and Fed. R. Civ. P. 11. Plaintiff is hereby
4 **ORDERED** to appear at a hearing on **August 13, 2007** at 12:00 noon in Courtroom 9, 940
5 Front Street, San Diego, California, and to show cause why he should not be sanctioned
6 pursuant to Fed. R. Civ. P. 11 for having filed his Second Recusal Motion and Third Recusal
7 Motion in violation of Fed. R. Civ. P. 11(b). Defendant may, but need not, be present for this
8 hearing. No briefing is required.

9 Plaintiff's Third Recusal Motion is hereby **REJECTED** for filing. Plaintiff is hereby
10 **ORDERED** to file no further motions, requests, or other documents seeking recusal or
11 disqualification or Judge Burns without prior consent of the Court.

12
13 **IT IS SO ORDERED.**

14 DATED: July 31, 2007

15 

16 **HONORABLE LARRY ALAN BURNS**
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28

Appendix 1: Second Recusal Motion

1 LANTZ ARNELL, MD

2 P.O. BOX 181583 Coronado, CA 92178

3 Tel. (619) 435-4064

FILED
2007 JUL 17 AM 11:56
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY CP DEPUTY

4
5
6
7
8
9
10 **United States District Court**
11 SOUTHERN DISTRICT OF CALIFORNIA
12

13
14 LANTZ ARNELL, MD

15 Appellant/ Petitioner

16
17 vs.

18
19 Judge W. McAdam

20 Respondent
21

LAB
Docket # '07 CV 0743 J(RBB)

JUDICIAL REVIEW REQUESTED
REQUEST that Judge Burns be
Disqualified because he is mentally
Incapacitated.

Points and Authorities

22 Date: August 13, 2007

23 Time: 10:30 AM

24 Room: 9

25 Judge Burns
26

27 WHEREAS the appellant, LANTZ ARNELL, MD, is a business man
28 engaged in interstate commerce defined as purchasing supplies directly from

1 manufactures in other states for research performed in the State of California,
2 copyrighted, and made for sale to publishers nationwide. And the appellant has
3 been paid to do research for other entities in California and other states involving
4 interstate commerce for decades.

5 WHEREAS it has been established in a police report that a man carrying the
6 identification of Randlett T. Lawrence, (herein after Lawrence), drove from his
7 residence in Point Loma, California with premeditation and malice aforethought,
8 picked up an accomplice and drove down Adella Ave. allegedly to check on the
9 grounds at the home next door, instead stopped when they saw the appellant
10 unarmed in his driveway.

11 WHEREAS in deposition Lawrence admits to walking down the appellant's
12 driveway without saying a word, disrupting his work and arming himself with a
13 deadly weapon.

14 WHEREAS Lawrence admits to assault with a deadly weapon while in
15 criminal trespass in the police report and there is medical evidence that Lawrence
16 stabbed the appellant in the abdomen with that weapon tearing the transverse
17 abdominal muscle at the umbilicus. (The navel stalk was torn from it's base
18 internally.) The wound was intended to be fatal and would have been were it not
19 for the agility of the appellant (herein after we).

20 WHEREAS The police officer who made the police report in deposition
21 admits that there were important factual errors and his opinion was based on
22 assumptions that he could not substantiate.

23 WHEREAS the D.A.'s office dropped the charges against Lawrence, who
24 was the assailant and pressed charges against the victim.

25 WHEREAS Judge Kerry Wells and Judge O Campo worked in concert to
26 force us into a plea bargain although Judge O Campo had reason to believe that her
27 actions violated federal constitutional laws, and we have reason to believe Judge
28 Wells should have recused herself.

1
2 WHEREAS Judge McAdam became aware of these facts and could have
3 dropped the charges against the appellant but did not.

4 We filed a complaint which was 18 pages including the memorandum of
5 points and authorities. And included with that complaint evidence in the form of
6 depositions, police reports and photographs. The complaint, taken by this Federal
7 Court named Judge McAdam as a king pin in organized crime in this state and we
8 have evidence showing that he took orders to refuse a writ of coram nobis.

9 WHEREAS there has been a 2 year intensive investigation into organized crime in
10 the state of California and the complaint documents assassinations over 30 years
11 ago.

12 WHEREAS, Judge Burns read the complaint and issued a statement
13 summarizing the contents of what he read.

14 WHEREAS the second sentence, (line 20, page 1), "According to the
15 complaint, which exceeds 170 pages in length, Plaintiff was involved in an
16 altercation with a neighbor and was tried on criminal charges before Judge
17 McAdam." The statement is false and that false information is not in our complaint
18 nor in Judge McAdam's opposition to our complaint. We are left with proof that
19 Judge Burns is reading without comprehension. There was no trial and Judge
20 McAdam did not find us guilty. Lawrence, according to our complaint and his own
21 statements does not live in Coronado and cannot be considered our neighbor. Loss
22 of the ability to understand the written word is a sign of cerebrovascular disease, (a
23 stroke or a tumor). It is imperative that Judge Burns be examined by a good
24 neurologist and a cardiologist who should use appropriate laboratory studies as soon
25 as possible to rule out other less common but more lethal forms of incapacitating
26 organic brain disease. Untreated, most of these conditions are progressive.

27 The best case scenario is that this is a stroke which could resolve in 6-8
28 months. There is substantial evidence in his four page statement of diminished

1 MENTAL INCAPACITY and, legally, if not for his own good he should be
2 disqualified.

3 We hope Judge Burns recovers without residual effects.
4 The foregoing is true to the best of my knowledge.

5
6 DATE: July 14, 2007

Signed 

7
8 POINTS AND AUTHORITIES

9
10 1. Harrison's Principles of Internal Medicine, 15th Edition p. 131 "Confusion is a
11 mental and behavioral state of reduced comprehension, coherence and capacity to
12 reason." p. 133 "Poor mental performance...is the inability to retain new
13 information...and factual knowledge." "The frontal lobe disinhibition syndrome, p.
14 146, "The impairments may emerge only in real life situations and may not be
15 apparent in the medical office."

16
17 2. C.C.P. § 170.1 "Disqualification of a judge occurs when the facts creating
18 disqualification arise, not when disqualification is established.

19
20 3. CCP § 170.1[c] "A trial judge may be disqualified when a person aware of the
21 facts might reasonably entertain a doubt that the judge would be able to be
22 impartial: it need not be determined whether there is actual bias.—in re Wagner, 25
23 Cal Rptr. 3d 201, 127 (2005).

24
25 4. Christy v. City of El Centro Cal App. 4th 767 (2006) "The standard for
26 disqualification of a judge ...is fundamentally an objective one and not limited to
27 actual bias."
28

1 5. CCP § 170.6 Hemingway v. Sup. Ct., 19 Cal Rptr. 3rd 363, 122 Cal App. 4th
2 1148 (2004) "The statutory right to disqualify a judge is automatic in a sense that a
3 good faith belief...is alone sufficient."

4
5 6. CCP § 170.6 "The object of the statutory right to disqualify a judge is to provide
6 a party...with a substitution...to safeguard the right to a fair trial or hearing;"

7 8 CONCLUSION

9
10 This case is about long entrenched organized crime in the 9th Circuit. Our
11 investigation goes back 100 years from the inception of organized crime at the turn
12 of the century on the east coast to present day California. The issues require a
13 serious commitment to eliminating racketeering and violence in the 9th circuit.
14 There are well financed people dedicated to blocking this case. In 1993 President
15 Clinton purchased enough vaccine to immunize every child in San Diego County
16 and sent the vaccine to the County Health Dept. An epidemic of measles was
17 killing white children. Organized crime forced through legislation in Sacramento to
18 prevent the distribution of the vaccine. Clinton either underestimated their greed or
19 didn't know they existed. The children kept dying and the vaccines expired on the
20 shelves. One of those children could have been yours. If we don't stop them now,
21 one of those children *will* be yours.

22 Organized crime is based on illusions. The illusion that one lunatic is
23 invincible. The illusion that people of color are not as good as white. If these
24 illusions were real, this complaint by a pro per plaintiff wouldn't terrify them.
25 Organized crime knows that one person with no legal training can take them apart
26 in court. That's how weak they really are. A witness will testify that when Judge
27 McAdam was served, his biographical information was removed from 2 law
28 libraries along with Judge O Campo's. The internet hackers who work for them

1 erased them from the internet. They are afraid of one individual. We're not trying
2 to tear down their organization. We just ask for these bogus charges to be dropped.
3 Their fear tells us that organized crime in the 9th Circuit is run by one ruthless
4 paranoid psychopath...(who could be cured with medication.)

5 Respectfully, we have explained and documented Judge Burns' mental
6 incapacity. We ask that he be disqualified on those grounds but do not retract the
7 allegation that he is biased against the plaintiff and, if he were well, disqualification
8 on those grounds would be reasonable and appropriate.

9
10 Date: July 14, 2007

Signed 

PROOF OF SERVICE—CIVIL

POS-040

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lantz E. Arnell 1516 Glorietta Blvd., Coronado, Ca 92118 TELEPHONE NO.: 619435-4064 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY CASE NUMBER: Docket #07 CV o743 JUDGE: Burns DEPT.: U.S.DIS. CT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: Cheryl L. Brieton, Litigation Att. MAILING ADDRESS: 220 West Broadway CITY AND ZIP CODE: San Diego, Ca. 92101 BRANCH NAME:		
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:		
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail/Electronic Transmission		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. At the time of service I was over 18 years of age and not a party to this action.

2. My address is (specify one):

a. ☒ Business: P.O. BOX 181503 b. ☐ Residence:
 Coronado, CA 92178

3. On (date): 7-16-07 I served the following documents (specify):

REQUEST JUDGE BURNS BE DISQUALIFIED

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

4. I served the documents on the persons below, as follows:

a. Name of person served:

b. Address of person served:

c. Fax number or e-mail address of person served, if service was by fax or e-mail:

d. Time of service, if personal service was used:

☐ The names, addresses, and other applicable information about the persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

5. The documents were served by the following means (specify):

a. ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 4.
 (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

Form Approved for Optional Use
 Judicial Council of California
 POS-040 (New January 1, 2005)

PROOF OF SERVICE—CIVIL
 (Proof of Service)

Code of Civ. Proc., §§ 1011,
 1013, 1013a, 2016.5
 www.courtinfo.ca.gov

American LegalNet, Inc.
 www.USCourtForms.com

B. Corriere

7-16-07

B. Corriere

B. Corriere

Appendix 2: Third Recusal Motion

1 LANTZ ARNELL, MD

2 P.O. BOX 181583 Coronado, CA 92178

3 Tel. (619) 435-4064

4
5
6
7
8
9 **United States District Court**
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12
13
14 LANTZ ARNELL, MD
15 Appellant/ Petitioner

16
17 vs.

18
19 Judge W. McAdam
20 Respondent
21

LAB (RBB)
Docket # '07 CV 0743 J(LAB)

COMPLAINT to CHIEF JUSTICE
THAT JUDGE BURNS IS
MENTALLY INCAPACITATED
And request for his disqualification.
Points and Authorities

22 Date: August 13, 2007
23 Time: 10:30 AM
24 Room: 9
25 Judge Burns
26

27 PURSUANT to U.S.C. 28 § 351(a) "Any person alleging that a judge has
28 engaged in conduct that is prejudicial to the effective and expeditious

1 administration of the courts, OR alleging that such judge is unable to discharge all
2 the duties of office by reason of MENTAL... DISABILITY, MAY file with the
3 clerk of the court of appeals for the circuit a written complaint... “

4 (b) “...the chief judge may, by written order stating reasons therefore, identify a
5 complaint... and thereby dispense with the filing of a written complaint.”

6 (c) “Upon the receipt of a complaint...the clerk shall promptly transmit the
7 complaint to the chief judge of the circuit...” “The clerk shall simultaneously
8 transmit a copy of the complaint to the judge whose conduct is the subject of the
9 complaint.

10 WHEREAS the appellant, LANTZ ARNELL, MD, is a business man
11 engaged in interstate commerce defined as purchasing supplies directly from
12 manufactures in other states for research performed in the State of California,
13 copyrighted, and made for sale to publishers nationwide.

14 WHEREAS it has been established in a police report that a man carrying the
15 identification of Randlett T. Lawrence, (herein after Lawrence), drove from his
16 residence in Point Loma, California with premeditation and malice aforethought,
17 picked up an accomplice and drove down Adella Ave. allegedly to check on the
18 grounds at the home next door, instead stopped when they saw the appellant
19 unarmed in his driveway.

20 WHEREAS in deposition Lawrence admits to walking down the appellant’s
21 driveway without saying a word, disrupting his work and arming himself with a
22 deadly weapon.

23 WHEREAS Lawrence admits to assault with a deadly weapon while in
24 criminal trespass in the police report and there is medical evidence that Lawrence
25 stabbed the appellant in the abdomen with that weapon tearing the transverse
26 abdominal muscle at the umbilicus. (navel). The wound was intended to be fatal
27 and would have been were it not for the agility of the appellant (herein after we).

28 WHEREAS The police officer who made the police report in deposition

1 admits that there were important factual errors in the police report and his opinion
2 was based on assumptions that he could not substantiate.

3 WHEREAS the D.A.'s office dropped the charges against Lawrence, who
4 was the assailant and pressed charges against the victim.

5 WHEREAS Judge McAdam became aware of these facts and could have
6 dropped the charges against the appellant but did not.

7 We filed a complaint which was 18 pages in length including the
8 memorandum of points and authorities. And included with that complaint evidence
9 in the form of depositions, police reports and photographs. The complaint, taken by
10 this Federal Court named Judge McAdam as a member of organized crime in the
11 9th circuit and we have evidence showing that he took orders to refuse a writ of
12 coram nobis indirectly from an individual who is not a member of the legal
13 community.

14 WHEREAS there has been a 2 year intensive investigation into organized
15 crime in the 9th circuit and the complaint documents assassinations over 30 years
16 ago.

17 WHEREAS, Judge Burns read the complaint and issued a statement
18 summarizing the contents of what he read.

19 WHEREAS the second sentence, (line 20, page 1), "According to the
20 complaint, which exceeds 170 pages in length, Plaintiff was involved in an
21 altercation with a neighbor and was tried on criminal charges before Judge
22 McAdam." The statement is false and that false information is not in our complaint
23 nor in Judge McAdam's opposition to our complaint. We are left with proof that
24 Judge Burns is reading without comprehension. *There was no trial and Judge*
25 *McAdam did not find us guilty.* Lawrence, according to our complaint and the
26 police report does not live in Coronado and cannot be considered our neighbor.
27 Loss of the ability to understand the written word is a sign of cerebrovascular
28 disease, brain tumor, or, most commonly, excessive alcohol intake. (See Harrison's

1 Principles of Internal Medicine, 15th Edition © 2001, p. 2561-2564.)

2 WHEREAS Judge Burns has refused to recuse himself in this case, where he
3 shows a bias in favor of the respondent, it is unlikely that he will voluntarily recuse
4 himself because we note that he is mentally incapacitated, especially if his mental
5 incapacity is due to alcohol. (Merck Manual of Diagnosis and Therapy 18th Edition
6 © 2006 p. 1689.) “Confabulation is often a striking early feature.”

7 We hope Judge Burns recovers without residual effects.

8 CONCLUSION

9 Pursuant to U.S.C. 28 § 455(a) “Any judge of the United States shall disqualify
10 himself if his impartiality might reasonably be questioned.” This is a racketeering
11 case. Judge Burns’ diminished mental capacity causes reasonable question of his
12 ability to be impartial.

13 The Chief justice or panel she designates are not physicians and may find
14 that Judge Burns is not impaired. His written statements and associations with
15 individuals who are the subject of this case establish a personal bias that no
16 reasonable person can ignore. A reasonable person will recognize that Judge Burns
17 has personal relationships that bring into question his ability to be impartial in this
18 case. [See 28 § 455(b)]. See also Local 338, RWDSU v. Trade fair Supermarkets,
19 EDNY (2006), 455 F.Supp.2d 143.

20 Respectfully, Judge Burns does not have the mental capacity nor the
21 prerequisite impartiality to Judge the racketeering-corruption aspects of this case.
22 We ask for his recusal because it is an “expeditious administration” of this
23 complaint.

24
25 The foregoing is true to the best of my knowledge.

26
27 DATE: July 14, 2007

Signed _____



POINTS AND AUTHORITIES

1
2
3 1. Harrison's Principles of Internal Medicine, 15th Edition p. 131 "Confusion is a
4 mental and behavioral state of reduced comprehension, coherence and capacity to
5 reason." p. 133 "Poor mental performance...is the inability to retain new
6 information...and factual knowledge." "The frontal lobe disinhibition syndrome, p.
7 146, "The impairments may emerge only in real life situations and may not be
8 apparent in the medical office."

9
10 2. C.C.P. § 170.1 "Disqualification of a judge occurs when the facts creating
11 disqualification arise, not when disqualification is established.
12

13 3. CCP § 170.1[c] "A trial judge may be disqualified when a person aware of the
14 facts might reasonably entertain a doubt that the judge would be able to be
15 impartial: it need not be determined whether there is actual bias.—in re Wagner, 25
16 Cal Rptr. 3d 201, 127 (2005).
17

18 4. Christy v. City of El Centro Cal App. 4th 767 (2006) "The standard for
19 disqualification of a judge ...is fundamentally an objective one and not limited to
20 actual bias."
21

22 5. CCP § 170.6 Hemingway v. Sup. Ct., 19 Cal Rptr. 3rd 363, 122 Cal App. 4th
23 1148 (2004) "The statutory right to disqualify a judge is automatic in a sense that a
24 good faith belief...is alone sufficient."
25

26 6. CCP § 170.6 "The object of the statutory right to disqualify a judge is to provide
27 a party...with a substitution...to safeguard the right to a fair trial or hearing;"
28

1 7. 28 § 455 A judge may be disqualified where his or her impartiality might
 2 reasonably be questioned.” Judge Burns’ ability to think is impaired. His ability to
 3 be impartial requires complete mental capacity. Evidence of an impaired mental
 4 capacity creates a situation where every decision made “might reasonably be
 5 questioned.”

6
 7 8. U S. v. Burger, CA 10 (Kan) 1992, 964 F.2d 1065 “A recusal ...is committed to
 8 the sound discretion of district judge.” Judge Burns’ ability to think is impaired,
 9 therefore sound discretion is not within his intellectual grasp.

10
 11 9. Nichols v. Alley, C.A. 10 (Okla) 1995, 718 F. 3d 347. “If question of judges’
 12 impartiality...is a close one, balance tips in favor of recusal.”

13
 14 10. Local 338 v. Trade Fair Supermarkets (2006) 455 F. Supp. 2d 148 “Recusal of
 15 a judge based on an appearance of impropriety is warranted if an
 16 objective...observer... would entertain significant doubt that justice would be done
 17 absent recusal.

18
 19 11. Williams v. Anderson C.A. 6 (Ohio) 480 F.3rd 789 (2006) “Prejudice or bias
 20 that may require a judge’s recusal under federal statute means...disposition or
 21 opinion that is somehow wrongful or inappropriate because it rests upon knowledge
 22 that the subject ought not to possess or because it is excessive in degree.”

23 24 CONCLUSION

25
 26 This case is about long entrenched organized crime in the 9th Circuit. Our
 27 investigation goes back 100 years from the inception of organized crime at the turn
 28 of the century on the east coast to present day California. The issues require a

1 serious commitment to eliminating racketeering and violence in the 9th circuit.
2 There are well financed people dedicated to blocking this case. In 1993 President
3 Clinton sent enough vaccine to immunize every child in San Diego County to the
4 County Health Dept. An epidemic of measles was killing white children.
5 Organized crime forced through legislation in Sacramento to prevent the
6 distribution of the vaccine. They held our children for ransom until the boss got his
7 "cut" of the distribution money. The children kept dying and the vaccines expired
8 on the shelves. No one in the criminal network was warned. When one of their
9 children got sick, the boss told them it was the drug companies' fault or the doctors'
10 fault. The boss only cares about money. Everyone else is divided and conquered.

11 Organized crime is based on illusions. The illusion that one lunatic is
12 invincible. The illusion that people of color are not as good as white. If these
13 illusions were real, this complaint by a pro per plaintiff wouldn't terrify them.
14 Organized crime knows that one person with no legal training can take them apart
15 in court. That's how weak they are. A witness will testify that when Judge
16 McAdam was served, his biographical information was removed from 2 law
17 libraries along with Judge O Campo's. The internet hackers who work for them
18 erased them from the internet. They are afraid of one individual. We're not trying
19 to tear down their organization. We just ask for these bogus charges to be dropped.
20 Their fear tells us that organized crime in the 9th Circuit is run by one ruthless
21 psychopath...(who could be cured with medication.)

22 Respectfully, we have explained and documented Judge Burns' mental
23 incapacity. We ask that he be disqualified on those grounds but do not retract the
24 allegation that he is biased against the plaintiff and, if he were well, disqualification
25 on those grounds would be reasonable and appropriate.

26
27 Date: July 14, 2007

Signed  _____

PROOF OF SERVICE—CIVIL

POS-040

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lantz E. Arnell 1516 Glorietta Blvd, Coronado, CA 92118 TELEPHONE NO. 619-435-4064 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY CASE NUMBER: Docket#07 CV 0743 JUDGE: Burns DEPT.: U.S.DIS. CT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: Cheryl L. Brierton, Litigation Att. MAILING ADDRESS: 220 West Broadway CITY AND ZIP CODE: San Diego, Ca 92101 BRANCH NAME:		
PETITIONER/PLAINTIFF: Lawrence RESPONDENT/DEFENDANT: v Arnell		
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail/Electronic Transmission		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. At the time of service I was over 18 years of age and not a party to this action.

2. My address is (specify one):

a. ☒ Business:b. ☐ Residence:

P.O. BOX 181503
 Coronado, CA 92178

3. On (date): 7-20-07

I served the following documents (specify):

Complaint to Chief Justice that Judge
 Burns is mentally incapacitated and
 request for his disqualification.

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

4. I served the documents on the persons below, as follows:

a. Name of person served:

b. Address of person served:

c. Fax number or e-mail address of person served, if service was by fax or e-mail:

d. Time of service, if personal service was used:

☐ The names, addresses, and other applicable information about the persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

5. The documents were served by the following means (specify):

a. ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 4.

(1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

Form Approved for Optional Use
 Judicial Council of California
 POS-040 (New January 1, 2005)

PROOF OF SERVICE—CIVIL
 (Proof of Service)

Code of Civ. Proc., §§ 1011,
 1013, 1013a, 2015.5
 www.courtinfo.ca.gov

American LegalNet, Inc.
 www.USCourtForms.com

B. Corriere

B. Corriere

7-20-07